

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAINTERS DISTRICT COUNSEL
NO. 4, and GLAZIERS LOCAL 660,

Plaintiffs,

v.

ORDER
____ 05-CV-379S

EMPIRE STATE REGIONAL COUNCIL
OF CARPENTERS, LOCAL UNION 289,

Defendant.

1. Plaintiffs commenced the above captioned case on May 31, 2005, by filing a Complaint in the United States District Court for the Western District of New York.

2. On August 19, 2005, Plaintiffs moved to consolidate this case with the matter of Burke v. Hogan, 04-CV-755S, which was commenced on September 17, 2004, and thereafter consolidated with another case. By August 19, 2005, the parties in the Burke matter had completely briefed and were awaiting this Court's decision on Plaintiff's Motion for Summary Judgment.

3. On September 29, 2005, this Court entered a Decision and Order in Burke granting Summary Judgment in favor of Plaintiff, and directing the Clerk of the Court to close this case. Accordingly,

IT HEREBY IS ORDERED, that Plaintiffs' Motion to Consolidate the instant case and Burke v. Hogan, 04-CV-755S, (Docket No. 6) is DENIED AS MOOT.

SO ORDERED.

Dated: October 26, 2005
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge